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10/770,041

01/30/2004

Hui - Fen Zhen

PUSA040120

9500

23595

7590

07/11/2005

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EXAMINER

COLLADO, CYNTHIA FRANCISCA

ART UNIT

PAPER NUMBER

3618

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/770,041

Applicant(s)

ZHEN, HUI - FEN

Examiner

Cynthia F. Collado

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 6 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over fig 1 prior art used in Hui- Fen Zhen'041 (Us Patent No.10770041) in view of Everett'260 (Us Patent No 6,830,260).

Regarding claim 1, over fig 1 prior art used in Hui- Fen Zhen discloses a skeleton for a stroller comprising a bottom frame, two oblique rods each having a lower end pivotally mounted on the front end of the bottom frame, a transverse rod mounted on an upper end of each of the two oblique rods, a wheel shaft mounted on a rear end of the bottom frame, two rear wheels pivotally mounted on two ends of the wheel shaft, two front support bars each having a first end mounted on the transverse rod, the prior

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art used in the Hui-Fen Zhen lacks the teaching of a skeleton whose whole width is reduced.

Everett discloses two wheels mounted on the wheel shaft is flush with the second end of a respective one of the two rear support bars, thereby greatly reducing the whole width of the skeleton of the stroller (see figure 12, element 38). Based on the teaching of Everett, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the skeleton system of the prior art used in Hui- Fen Zhen frame by reducing it's width therefore saving storage space.

Regarding claims 2-3, Everett teaches the first ends of the two rear support bars are bent toward each other, wherein the first ends of the two rear support bars are bent inward toward a mediate portion of the wheel shaft (see figure 12, elements 33,34 and 38), Based on the teaching of Everett, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the skeleton system of the prior art used in Hui- Fen Zhen frame by reducing it's width therefore saving storage space.

Regarding claims 4,5,8,9,10,11 and 12 fig 1 (prior art) used in Hui- Fen Zhen discloses two oblique rear stretchers each pivotally mounted between the first end of a respective one of the two rear support bars and the mediate portion of the wheel shaft to enhance the supporting effect of the two rear support bars, further comprising two oblique front stretchers each pivotally mounted between a respective one of the two front support bars and the bottom frame to enhance the supporting effect of the front support bars.

Regarding claim 8, fig 1 (prior art) used in Hui– Fen Zhen discloses a front wheel pivotally mounted on a front end of the bottom frame.

Regarding claim 9, fig 1 (prior art) used in Hui– Fen Zhen discloses the second end of each of the two rear support bars is pivotally connected with the second end of a respective one of the front support bars by a pivot.

Regarding claim 10, fig 1 (prior art) used in Hui– Fen Zhen discloses push bar mounted on the pivot base.

Regarding claim 11, fig 1 (prior art) used in Hui– Fen Zhen discloses a front support rod having a first end mounted on the transverse rod, a rear support rod having a first end mounted on the wheel shaft and a second end pivotally connected with a second end of the front support rod by a pivot base.

Regarding claim 12, fig 1 (prior art) used in Hui– Fen Zhen discloses a push bar mounted on a pivot base.

### ***Allowable Subject Matter***

Claims 6 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

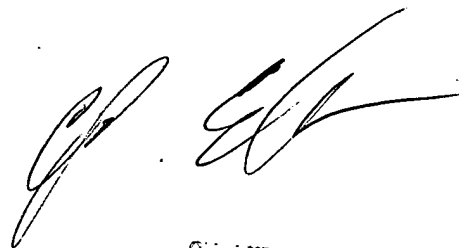
US Patent No 6,830,260 issued to Everett teaches a foldable infant jogging stroller.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia F. Collado whose telephone number is (571)2728315. The examiner can normally be reached on mon-fri 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (571)2726914. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 6/20/05  
CFC



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